Senate Bill No. 618

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Passed the Senate September 8, 2005

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Secretary of the Senate

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Passed the Assembly August 31, 2005

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Chief Clerk of the Assembly

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This bill was received by the Governor this _____ day

of _____, 2005, at _____ o'clock ___м.

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Private Secretary of the Governor

CHAPTER _____

An act to add Section 1203.8 to the Penal Code, relating to sentencing.

SB 618, Speier. Sentencing: programs.

Under existing law, the Legislature finds and declares that programs should be available for inmates, including educational programs that are designed to prepare nonviolent felony offenders for successful reintegration into the community. Under existing law, the Legislature encourages the development of policies and programs designed to educate and rehabilitate nonviolent felony offenders.

This bill would authorize a county to develop a multiagency plan to prepare and enhance nonviolent felony offenders' successful reentry into the community, and would require that plan be developed by, and have the concurrence of, the presiding judge, the chief probation officer, the district attorney, the local custodial agency, and the public defender, or their designees, for submission to the board of supervisors for its approval. The bill would further authorize the Department of Corrections and Rehabilitation to enter into an agreement with up to 3 counties to implement the above provisions and to provide funding for the purpose of the probation department carrying out its assessments, and would make specified findings and declarations in that regard.

The people of the State of California do enact as follows:

SECTION 1. (a) The Legislature finds and declares that the successful reintegration of parolees into society depends upon the proper assessment of the offenders' risks and needs prior to entry into the prison system and appropriate direction of offenders into facilities and programs that are available to address risks or needs.

(b) The Legislature recognizes that the transfer of the assessment function from the Department of Corrections and Rehabilitation to the community in which an offender committed

his or her crime and to which the offender will likely be paroled may represent an effective and efficient means to perform an assessment.

(c) The Legislature encourages the participation of the Department of Corrections and Rehabilitation and interested counties to develop and implement plans to transfer assessment functions to local probation departments and courts, with the goal of improving public safety in the community and to better enable parolees to become contributing members of society.

SEC. 2. Section 1203.8 is added to the Penal Code, to read:

1203.8. (a) A county may develop a multiagency plan to prepare and enhance nonviolent felony offenders' successful reentry into the community. The plan shall be developed by, and have the concurrence of, the presiding judge, the chief probation officer, the district attorney, the local custodial agency, and the public defender, or their designees, and shall be submitted to the board of supervisors for its approval. The plan shall provide that when a report prepared pursuant to Section 1203.10 recommends a state prison commitment, the report shall also include, but not be limited to, the offender's treatment, literacy, and vocational needs. Any sentence imposed pursuant to this section shall include a recommendation for completion while in state prison, all relevant programs to address those needs identified in the assessment.

(b) The Department of Corrections and Rehabilitation is authorized to enter into an agreement with up to three counties to implement subdivision (a) and to provide funding for the purpose of the probation department carrying out the assessment. The Department of Corrections and Rehabilitation, to the extent feasible, shall provide to the offender all programs pursuant to the court's recommendation.

Approved _____, 2005

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Governor